SB Civil Writ Petition No. 2095/2001

Prem Kumar & ors vs State of Rajasthan & anr

9.8.2007

Hon'ble Mr Justice Ashok Parihar

Mr Anupam Agrawal – for petitioners

Mr Samit Bishnoi for Mr Bharat Vyas,AAG – for respondent

BY THE COURT:

Petitioners are aggrieved by the order of reversion dated 18.11.1999, by which, the petitioners have been reverted to the post of LDC on the ground that they were not having requisite recognised qualifications at the time of promotion. The order has been passed as per the judgment of the Larger Bench of this court in the case of Shankar Lal Verma & 13 ors Vs The Rajasthan State Electriry Board (1999[1]WLC[Raj]1). The Larger Bench has held that qualification of 'Prathma' cannot be held equivalent to the qualification of Secondary after withdrawal of the recognition of 'Prathma' by the State Government w.e.f. 1.4.1985. However, the court observed that if the vacancies exist prior to the date referred to above i.e. 1.4.1985 and the employees had acquired qualification of 'Prathma' upto the above date, they may be held entitled for promotion or appointment, as the case may be for such vacancies of the years prior to 1.4.1985. In the present

case, admittedly, the promotions were made for the year 1995-96 when the qualification of 'Prathma' was not recognised by the State Government. Having considered the entire facts and circumstances, since the impugned order has been passed as per the decision of the Larger Bench of this Court, I find no ground for any further interference of this court. The writ petition is dismissed accordingly as having no merit.

(Ashok Parihar) J.

bnsharma